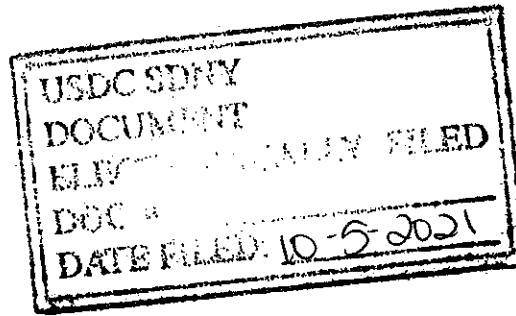


**HEIDEMAN  
NUDELMAN  
KALIK, PC**

5335 WISCONSIN AVENUE, NW  
SUITE 440  
WASHINGTON, DC 20015  
TELEPHONE 202.463.1818  
TELEFAX 202.463.2999  
www.HNKlaw.com  
attorneys@HNKlaw.com



October 4, 2021

Hon. Loretta A. Preska  
United States District Court for the Southern District of New York  
500 Pearl Street, 2220  
New York, New York, 10007

**Re: In re: 650 Fifth Ave. and Related Properties, 08 Civ 10934 (LAP)**

Dear Judge Preska:

We write on behalf of Claimants and Settling Judgment Creditors, the Estate of Yael Botvin, Julie Goldberg-Botvin, Tamar Botvin Dagan and Michal Botvin (collectively "Botvin Judgment Creditors"). The Botvin Judgment Creditors seek to withdraw as Settling Judgment Creditors from (a) the Stipulation and Order of Settlement between the United States and Certain Third-Party Claimants ("Settlement Agreement") which was "So Ordered" on April 16, 2014 by the Court and was filed on April 17, 2014 at ECF 1122 in the above referenced case and (b) the First Codicil to the Stipulation and Order of Settlement Between the United States and Certain Third-Party Claimants ("Codicil") which was "So Ordered" on October 4, 2017 by the Court, and filed on October 4, 2017 at ECF 2088 in the above referenced case.

By way of background, the Botvin Judgment Creditors filed a Verified Claim in the above referenced matter on April 2, 2010, a copy of which can be found at ECF 127. As Claimants, the Botvin Judgment Creditors participated in and are Settling Judgment Creditors to the Settlement Agreement and Codicil. The Botvin Judgment Creditors now seek to (i) withdraw from these agreements and (ii) release their Verified Claim which would allow the Botvin Judgment Creditors to receive their conditional payments now from the United States Victims of State Sponsored Terrorism Fund ("USVSSTF")<sup>1</sup> where they have long ago filed a timely claim as described in 34 U.S.C. § 20144 (e)(2)(B)(iv); and are presently conditional claimants for whom monies are being held by the USVSSTF.

The Botvin Judgment Creditors have conferred with the United States Department of Justice which administers the USVSSTF and have been advised that if the Botvin Judgment Creditors release their Verified Claims and dismiss with prejudice their claims as Settling Judgment Creditors, the USVSSTF will then release the conditional payments being held for each of the Botvin Judgment Creditors, which will also allow the Botvin Judgment Creditors to become eligible to participate in future payments, if any, from the USVSSTF. Pursuant thereto and in reliance thereon, the Botvins respectfully move the Court as set forth herein.

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<sup>1</sup> See generally, <http://www.usvsstf.com/>

Counsel for Botvin Judgment Creditors have also conferred and shared a copy of this request with the Assistant U.S. Attorneys from the Southern District of New York who are handling this matter for the United States and have been advised that they approve of this request and consent to the withdrawal of the Botvin Judgment Creditors from the Settlement Stipulation and Codicil, and withdrawal of their Verified Claim.

Counsel for the Botvin Judgment Creditors have also conferred and shared a copy of this request with counsel for the other Settling Judgment Creditors/Third Party Claimants. Counsel for the other Settling Judgment Creditors/Third party Claimants either advised that they consent to this request and the withdrawal of the Botvin Judgment Creditors from the Settlement Agreement and Codicil, and withdrawal of their Verified Claim or did not note any objections to the request and withdrawal.

Accordingly, the Botvin Judgment Creditors request the Court approve and "So Order" their withdrawal from the Settlement Agreement and Codicil, found at ECF 1122 and 2088 and dismiss with prejudice their Verified Claim found at ECF 127. Once So Ordered by the Court, the Botvin Judgment Creditors shall no longer be Settling Judgment Creditors, and their Verified Claim shall be dismissed with prejudice and they shall have released with prejudice all their claims, rights, title, and interest in the Defendant Properties (as that term is defined in the Settlement Agreement), the Settlement Agreement, and the Codicil.

The undersigned counsel remains available to discuss this matter with the Court to address any outstanding questions or inquiries the Court may have regarding the Botvin Judgment Creditors request for withdrawal.

We appreciate the Court's attention to this matter.

Sincerely,

**SO ORDERED**

HEIDEMAN NUDELMAN & KALIK, P.C.  
ATTORNEYS AND COUNSELORS

By:

  
Noel G. Nudelman

cc: Counsel of Record

So Ordered:

  
Hon. Loretta A. Preska

October 5, 2021